

EXHIBIT A

From: [Maxwell Pritt](#)
To: [Lauter, Judd](#)
Cc: [Reed Forbush](#); [Jay Schuffenhauer](#); [z/Meta-Kadrey](#); [Llama C-Counsel](#)
Subject: Re: Kadrey v. Meta - Meet and Confers
Date: Friday, November 22, 2024 2:50:24 PM

Judd, I have personally been involved in prior practice and know first hand that your characterization of meet and confers is inaccurate.

Yes a partner will be involved in the filing.

I will let LCHB respond re your request from today to M&C.

When do you and Bobby want to M&C today as you requested yesterday. This is the fourth time I've asked.

Best,
Max

From: Lauter, Judd <jlauter@cooley.com>
Sent: Friday, November 22, 2024 2:44 PM
To: Maxwell Pritt <mpritt@BSFLLP.com>
Cc: Reed Forbush <rforbush@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

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Max,

The reason we are asking about who will be handling the filing is because if any of Meta's confidential information will be presented, and in view of the breach of the protective order in the last filing, we want to have visibility to the filing process and that a partner is involved in the filing. That is our concern. We will accept your representation that a partner will review and approve the brief before it is filed.

As to a further meet and confer with lead counsel, we reiterate our position and you should discuss with your co-counsel if you want to understand prior practice.

Finally, please confirm that Plaintiffs will meet and confer with us on Monday.

Thanks,

Judd

From: Maxwell Pritt <mpritt@BSFLLP.com>
Sent: Friday, November 22, 2024 2:08 PM
To: Lauter, Judd <jlauter@cooley.com>
Cc: Reed Forbush <rforbush@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

[External]

Judd, we do not agree to tell you who is filing or to condition briefing on the issues we've raised and been meeting and conferring about with issues you just raised as to other discovery. Please confirm that we're otherwise in agreement so we can proceed.

Also, it has not been the practice, at least since we joined, for Mr. Boies or any other particular person to participate in meet and confers. That goes for Meta's counsel too, as there have been multiple meet and confers and letter briefing without any particular individuals. Your request now to have particular leads attend is unwarranted and inconsistent with the practice in this case. And, again, please let me know when you and Bobby want to further meet and confer today over the issues we've raised—2:30pm pacific or after 4:30pm pacific. Thank you.

Best,
Max

From: Lauter, Judd <jlauter@cooley.com>
Sent: Friday, November 22, 2024 2:03 PM
To: Maxwell Pritt <mpritt@BSFLLP.com>
Cc: Reed Forbush <rforbush@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

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Max,

Since the inception of this case, the parties have proceeded by requiring the lead counsel (one

per side) to be present on meet and confers prior to filing motions, per Judge Hixson's order. We object to Mr. Boies not participating in this process, but reserving our rights to note our objection in our response to your motions, we agree to the schedule below, subject to the following conditions we proposed but were stricken from your email:

- Identification of whom on your team will be responsible for filing the briefs (note, this can be provided on the day of filing)
- Confirmation that Plaintiffs will meet and confer with us (i.e., between lead counsel) on Monday before COB PST regarding the issues in our forthcoming letter

Thanks,
Judd

From: Maxwell Pritt <mpritt@BSFLLP.com>
Sent: Friday, November 22, 2024 1:51 PM
To: Lauter, Judd <jlauter@cooley.com>
Cc: Reed Forbush <rforbush@BSFLLP.com>; Jay Schuffenhauer <jshuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

[External]

Judd, Bobby: Our proposed sections are due in little more than an hour so can you please respond so we know if there's agreement and when you want to M&C again?

Best,
Max

From: Maxwell Pritt
Sent: Friday, November 22, 2024 12:40 PM
To: Lauter, Judd <jlauter@cooley.com>
Cc: Reed Forbush <rforbush@BSFLLP.com>; Jay Schuffenhauer <jshuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

Judd, thank you for your email. The below schedule and terms are fine with our changes below. Please confirm so we can proceed.

Also, as I already explained, Mr. Boies is not the only lead counsel for Plaintiffs. I am also lead counsel. I previously provided my availability today to meet and confer with Bobby since you requested it and because he wasn't on the meet and confer yesterday

or the day before. Please let us know what time works and send a Zoom link. As discussed on the meet and confers, we understand Meta is considering amending its responses to ROG 19 and 20 and now responding to RFA 98. If Meta confirms it will do so, we also will drop the issues with raised with respect to ROG 22 as well as RFA 44. Regarding the remaining ROG issue we've raised (regarding ROG 17), let's discuss that issue again on our further meet and confer but intend to submit our brief to you on that by 3pm on Monday; so today it'll just be the remaining RFPs and RFAs issues that are at an impasse. That doesn't include RFPs 118-19, 121-22, and 129, as the issues we raised as to those RFPs are not yet at an impasse since we're waiting to hear back from Meta.

Best,
Max

From: Lauter, Judd <jlauter@cooley.com>
Sent: Friday, November 22, 2024 12:16 PM
To: Maxwell Pritt <mpritt@BSFLLP.com>
Cc: Reed Forbush <rforbush@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

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Thanks Max. Please make sure to include the rest of my team on emails (I just returned from a doctor's appointment). We will get back to you on the interrogatory proposal.

With respect to our request for a meet and confer between lead counsel, that term means the principal attorney for each side, which, to date, has been Bobby and Mr. Saveri. The rule is in place to help prevent unnecessary motion practice, which we are trying to avoid. To that end, please let us know if Mr. Boies can be available for a call with Bobby in advance of Plaintiffs' exchange of opening briefs.

Notwithstanding Mr. Boies's availability (or lack thereof), and reserving all rights, we're prepared to move forward along the lines of your proposal but require some additional assurances from Plaintiffs:

- **3 PM PST today** – Plaintiffs submit three briefs on the issues outlined in Jay's Nov. 20 email. The briefs on RFAs and RFPs will be 2 pages each, and the ROG brief will be 1 page. Plaintiffs will provide all exhibits and attachments, which will conform to the

limitations in Judge Hixson's Discovery Standing Order.

- **12 PM Tuesday** – Meta submits 2.5 page responses (1.5 pages for the ROG reply). Meta will provide all exhibits and attachments, which will conform to the limitations in Judge Hixson's Discovery Standing Order.
- **4 PM Tuesday** – Plaintiffs to provide a reply (.5 pages)
- **7:30 PM Tuesday** – Meta to provide any redactions
- **8:30 PM Tuesday** – Plaintiffs to provide, for Meta's inspection, final redacted and unredacted copies of pdf'd document prior to filing, ~~as well as the identity of the individual(s) responsible for filing.~~
- The parties will not alter the substance of their briefs / replies following their exchange
- The parties will be limited to attaching only what is permitted under Judge Hixson's Discovery Standing Order
- The same briefing timing / format will apply to any forthcoming motion(s) from Meta, including Plaintiffs providing their replies within two business days of receipt of Meta's brief
- ~~We are sending a communication regarding Plaintiffs' November 18 discovery responses later today, Plaintiffs will meet and confer regarding these issues on Monday before COB PST~~

Please confirm if Plaintiffs agree.

Thank you,
Judd

Judd Lauter
Cooley LLP
+1 415 693 2915 office
jlauter@cooley.com

From: Maxwell Pritt <mpritt@BSFLLP.com>
Sent: Friday, November 22, 2024 8:42 AM
To: Lauter, Judd <jlauter@cooley.com>
Cc: Reed Forbush <rforbush@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

[External]

Good morning, Judd.

Please let us know when you wanted the follow-up M&C today—we could do 12-1pm

pacific, 1:30-2pm pacific, and 4:30-6pm pacific.

Also, assuming Meta agrees to supplement its answers to ROGs 19 and 20 as discussed, we will not move on ROG 22.

Best,
Max

From: Reed Forbush <rforbush@BSFLLP.com>
Sent: Thursday, November 21, 2024 12:57 PM
To: Lauter, Judd <jlauter@cooley.com>; Maxwell Pritt <mpritt@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

Judd – Thank you. We agree to your proposed timing (as long as “Friday afternoon” for Plaintiffs’ briefing means not later than 3 pm pacific) and to the briefing breakdown, one per device. Our proposal on page limits then is as follows.

For RFAs and RFPs - matching our proposal from last night:

- Plaintiffs’ 2-page opening
- Meta’s 2.5-page response
- Plaintiffs’ .5-page reply

For Rogs - shortening to 3 total pages:

- Plaintiffs’ 1-page opening
- Meta’s 1.5-page response
- Plaintiffs’ .5-page reply

Please let us know if Meta agrees.

As to the lead counsel requirement, Boies Schiller is interim lead counsel for Plaintiffs and we don’t think more is required by the standing order. It’s also unclear what Meta seeks to M&C about that is not already to be covered in yesterday’s and today’s meetings. In any event, Max can be on today’s M&C if you want to raise anything, just let us know.

Best,
Reed
646-339-8787

From: Lauter, Judd <jlauter@cooley.com>
Sent: Thursday, November 21, 2024 12:07 PM
To: Reed Forbush <rforbush@BSFLLP.com>; Maxwell Pritt <mpritt@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfillp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfillp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

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Reed,

Regarding the proposed briefing schedule, we have reservations about addressing these issues via separate briefs, rather than in one 5-page joint letter as contemplated by Judge Hixson's standing order. In the interest of compromise, however, we can agree to three separate letters of no more than 2 pages per side. We also think it makes sense for each brief to address a separate category of discovery, i.e., RFPs, RFAs, and Interrogatories, rather than having the third brief be a mix of the three. Please let us know if you agree.

On timing, and given the schedules of various members of our team, we propose that, assuming Plaintiffs provide their portion on Friday afternoon, Meta provide its response by Tuesday at 12pm, with Plaintiffs to provide a reply by 3 PM PT, and Meta to provide any redactions by 7:30 PM.

Finally, we note that Judge Hixson's standing order requires the presence of lead counsel on a meet and confer prior to motion practice. Please let us let us know whether Plaintiffs' lead counsel is available tomorrow or Monday to meet and confer.

Thanks,
Judd

From: Lauter, Judd
Sent: Thursday, November 21, 2024 10:42 AM
To: 'Reed Forbush' <rforbush@BSFLLP.com>; Maxwell Pritt <mpritt@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfillp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfillp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

Reed,

We can be available at (or after) 3:30 today. It will be myself, Colette, and Matt Brigham. Please circulate an invite when you can.

We will get back to you separately regarding the briefing format / schedule proposal.

Best,
Judd

From: Reed Forbush <rforbush@BSFLLP.com>
Sent: Thursday, November 21, 2024 10:38 AM
To: Maxwell Pritt <mpritt@BSFLLP.com>; Jay Schuffenhauer <jschuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confers

[External]

Good Morning Counsel – Please let us know as soon as possible on scheduling a meet and confer today and confirmation of the proposed joint briefing schedule. Thank you.

Best,
Reed
646-339-8787

From: Maxwell Pritt <mpritt@BSFLLP.com>
Sent: Wednesday, November 20, 2024 8:46 PM
To: Jay Schuffenhauer <jschuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Re: Kadrey v. Meta - Meet and Confers

We will also raise the lack of any privilege log associated with the last several productions, unless they are expected by the filing deadline proposed.

Best,
Max

From: Jay Schuffenhauer <jschuffenhauer@bsfllp.com>
Sent: Wednesday, November 20, 2024 8:39:25 PM
To: z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>

Subject: RE: Kadrey v. Meta - Meet and Confers

Phil, Judd, and Colette,

Thank you for the call today.

- A. Please confirm what time tomorrow (Thursday) you are available to discuss our November 19 letter and November 20 email concerning Meta's other recent responses, which includes Plaintiffs' Sixth Set of RFPs, Second RFAs, Third ROGs, and supplemented ROGs. We attempted to raise these issues during today's meet and confer. If a meet and confer tomorrow does not resolve all the issues, we will include them in the forthcoming briefing. Plaintiffs are available anytime 10 AM PT to 5 PM PT.
- B. Our proposed briefing schedule is as follows and reflects Plaintiffs' intent to complete filing by Monday (modified slightly from the proposal on the call). We propose no surreplies, just like in ordinary motion practice, and we are willing to honor the same for any forthcoming discovery briefs Meta may initiate.
- a. Plaintiffs submit 2 pages per brief by **12 PM PT Friday**, along with all exhibits.
 - b. Meta submits 2.5 pages per brief by **2 PM PT Monday**, along with all exhibits.
 - c. Plaintiffs reply with .5 pages per brief (no edits to the original section) by **5 PM PT Monday**.
 - d. Meta sends redactions, if any, by **7:30 PM PT Monday**.
 - e. Plaintiffs file public versions; Meta files sealed materials, if any.
- C. Below are the three briefs we have in mind for joint briefing. Each brief raises multiple issues but will adhere to the above page limits. These are intended to give reasonable notice; we reserve rights to modify with our submissions on Friday, and we would prefer to resolve as many of these disputes as possible before then.

Brief #1: Fifth Set of RFPs

- Disputed Definitions
 - Llama 5
 - Shadow Datasets
 - "Agreements" to include oral contracts or oral arrangements in all defined forms (not to include "understandings")
- Refusal to Produce on Relevance Grounds
 - Nos. 111-113, 114, 115, 117
- Data Sources and Information to Assess Privilege
 - Nos. 125, 126 and 128

- “Sufficient to Show” Responses
 - Nos. 91, 94, 100, 101, 106, 118, 120, 123
- Code-Related Issues
 - Nos. 118-122, as partially narrowed in Plaintiffs’ letter
- Limited construction of RFPs
 - Nos. 116 (limitation to scope of Llama training data) and 130 (limited construction of “AI training data” to “text training data”)

Brief #2: First Set of RFAs

- Disputed Definitions
- Deposit Copies issue (Nos. 3-6, 17, 20, 24, 34, 43, and 45–89)
- Nonresponsive/extraneous statements (Nos. 8, 9, 18, 21, and 24)
- No. 44 – Meta says insufficient hypothetical
- No. 7 – The Request is clear on its face (and, to clarify, Plaintiffs do not intend something substantially different with specific terms in No. 7 (“permission or consent from the relevant copyright owners”) versus No. 18 (“authorization from all owners of any copyrighted works”)).

Brief #3: November 12, 18, and 19 Discovery Responses – To be Discussed 11/21

- Interrogatories
 - Llama 5 Definition
 - Referencing documents instead of answering (Nos. 19-20)
 - Nonresponsive/extraneous statements (No. 22)
 - Revised No. 17 re Advice of Counsel
- RFAs
 - Llama 5 Definition
 - Deposit copies
 - RFA No. 98 – Books 3
- RFPs
 - No. 134 – Value of books

Best,
Jay

From: Morton, Phillip <pmorton@cooley.com>

Sent: Monday, November 18, 2024 9:18 PM

To: Jay Schuffenhauer <jSchuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>;
Dunning, Angela L. <adunning@cgsh.com>

Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>

Subject: RE: Kadrey v. Meta - Meet and Confer Letter re Meta's November 8 RFP and RFA Responses

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the sender.

Jay-

4pm ET / 1pm PT on Wednesday works.

Thanks,
Phil

From: Jay Schuffenhauer <jschuffenhauer@bsfllp.com>
Sent: Monday, November 18, 2024 4:08 PM
To: Morton, Phillip <pmorton@cooley.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: RE: Kadrey v. Meta - Meet and Confer Letter re Meta's November 8 RFP and RFA Responses

[External]

Phil,

We are available at 4 PM ET/1 PM PT on Wednesday. Let us know if this works for you. If so, I will send a Zoom invite.

Thanks,
Jay

From: Morton, Phillip <pmorton@cooley.com>
Sent: Monday, November 18, 2024 11:50 AM
To: Jay Schuffenhauer <jschuffenhauer@bsfllp.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Re: Kadrey v. Meta - Meet and Confer Letter re Meta's November 8 RFP and RFA Responses

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Jay,

We are reviewing your letter and will confer with you about it, however, we will need more than one business day to do so. Please let us know your availability to confer on Wednesday afternoon.

Thanks,
Phil

From: Jay Schuffenhauer <jschuffenhauer@bsfllp.com>
Sent: Friday, November 15, 2024 12:06 AM
To: z/Meta-Kadrey <zmetakadrey@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>
Cc: Llama C-Counsel <llama_cocounsel@bsfllp.com>
Subject: Kadrey v. Meta - Meet and Confer Letter re Meta's November 8 RFP and RFA Responses

[External]

Counsel,

Please see the attached correspondence regarding Meta's November 8, 2024 responses and objections to Plaintiffs' RFPs and RFAs. Please advise as to Meta's availability to meet and confer on these issues next Monday, November 18.

Best,
Jay

Jay Schuffenhauer
Associate

BOIES SCHILLER FLEXNER LLP

1401 New York Avenue, N.W.
Washington, DC 20005
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